



P.O. BOX 728 • VINCENNES, INDIANA 47591

(812) 882-6448

July 24, 1996

FHWA Docket No. MC-96-18  
Federal Highway Administration  
Office of the Chief Counsel  
HCC-10, Room 4232  
400 Seventh Street S.W.  
Washington, DC 20590

QA-20656

FHWA-97-2299-45

This letter is to comment on FHWA docket No. CL-96-8:  
Safety Rating Proposal.

Best Way Express, Inc is a truckload carrier operating primarily the twenty six states east of the Mississippi. the company operates 180 tractors and employees 200 people with terminals in Vincennes, IN - Warren, Mi - and Georgetown, KY.

Best Way has interest in the safety rating proposal. From the beginning, we felt the rating system was designed to educate carriers about where they stood with regards to compliance. A "conditional" rating was given to carriers that needed some work with regards to compliance and carriers were given the opportunity to correct the problem. If indeed they corrected the problem, then the carrier was given a "satisfactory" rating. The system was never intended to be punitive, but rather a "benchmark" with which to measure progress. However, the "conditional" rating has evolved and become punitive in nature. For example, shippers now want to know a carrier rating on most bid packages. Carriers with less than "satisfactory" are not given consideration to bid. Furthermore, insurance companies rate carriers differently if they have "conditional" ratings, assuming a "conditional" carrier is less safe than a "satisfactory" carrier. Additionally, the contingent liability in our litigious court system has become much greater with carriers, that have a "conditional" rating. In other words, the intent of education and correction has been replaced by the stigma of "unsafe" for carriers that operate with a "conditional" rating.

LEGS./REGS. DIV.

96 JUL 30 11:24  
(800) 777-4668  
FEDERAL HIGHWAY  
ADMINISTRATION

DOCKET mc-96-18-44  
PAGE 1 OF 2

The problem is in the nature of the rating system itself. Is not the goal of carriers and public policy to reduce accidents, injuries, and fatalities? Is the current rating system a good measure of that policy? Best Way thinks not. The current system heavily weighs hours of service violations with little or no regard for accidents. There have been no convincing studies that have shown hours of service compliance to reduced accidents, injuries, or fatalities. Our drivers have continuously told us that the hours of service rules make them drive when they are tired and sleep when they are awake. Fatigue is a problem, but hours of service regulations are not the answer. Best Way believes that performance standards should be made and achieved. If a carrier is able to meet or exceed these standards, then the carrier should be able to run their business as it is capable of running while maintaining these standards. The FHWA could provide "Best Practices" for education purposes and standards for fleets that need help. Those standards should be a measurement of preventable accidents/million miles. As the insurance industry knows, frequency breeds severity, therefore, preventable total accidents/million miles would be a standard that reflects efficiency. The current standard, 0.000 to 0.299, to maintain a satisfactory rating, is too stringent. A carrier that operates in the Western states, where traffic density is less, could possibly achieve that standard, but for a carrier that runs East coast, the standard is not realistic. In Best Way's opinion, out of service violations (logs and equipment), inspection and equipment failures, etc., should have significantly less value in evaluation performance.

The "conditional" rating should be dropped and a performance standard be established with a goal that all carriers could achieve the standard. Non rated carriers would be just that, non rated. A carrier would be either satisfactorily or unsatisfactory. The goal would be educate carriers that good safety equates to dollars and cents and that it is the carriers obligation to achieve and maintain those standards.

Sincerely,

C.J. McCormick III  
President

cc ITCC

DOCKET MC-96-18-44  
PAGE 2 OF 2